

**KONRAD RAYNES & VICTOR, LLP OFFICIAL**

315 S. Beverly Drive, Suite 210  
Beverly Hills, California 90212

Telephone: (310) 556-7983  
Facsimile: (310) 556-7984

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TO: Commissioner for Patents  
Attn: Examiner Matthew D. Anderson  
Group Art Unit 2186  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: David W. Victor  
OUR REF: 0018.0074  
TELEPHONE: 310-556-7983

Total pages, including cover letter: 25 26

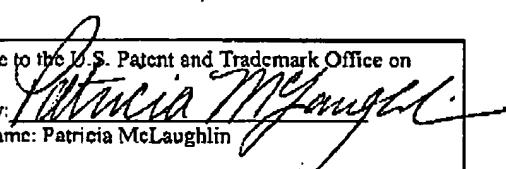
**PTO FAX NUMBER 1-703-872-9306**

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Title of Document Transmitted: PTO/SB/30 REQUEST FOR CONTINUED  
EXAMINATION (RCE) TRANSMITTAL; PTO/SB/17 FEE TRANSMITTAL;  
AMENDMENT PREVIOUSLY SUBMITTED ON MAY 18, 2004

Applicant: D.A. Burton et al.  
Serial No.: 09/630,228  
Filed: August 1, 2000  
Group Art Unit: 2186  
Docket No.: IUC920000013US1

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on June 17, 2004

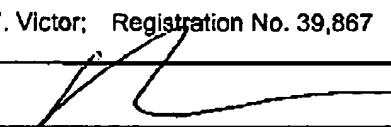
By:   
Name: Patricia McLaughlin

PTO/SB/17  
0018.0074

<b>FEE TRANSMITTAL</b>		Application Number	09/630,228
<b>for FY 2002</b>		Filing Date	August 1, 2000
Inventor		D.A. Burton et al.	
Group Art Unit		2186	
Examiner Name		Matthew D. Anderson	
Total Amount of Payment: <b>\$770.00</b>		Attorney Docket Number	TUC920000013US1

<b>METHOD OF PAYMENT</b> (check one)	<b>FEES CALCULATION</b> (continued)
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge the indicated fees and/or credit any overpayments to Deposit Account Number: 09-0449</p> <p><input type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Charge any deficiency or credit any overpayment</p> <p>2. <input type="checkbox"/> Payment enclosed:</p> <p><input type="checkbox"/> Check; _____ Check No.</p> <p><input type="checkbox"/> Money Order</p> <p><input type="checkbox"/> Credit Card Approval for _____</p>	<p>3. ADDITIONAL FEES (large entity)</p> <p><input type="checkbox"/> Surcharge- late filing fee or oath \$130</p> <p><input type="checkbox"/> Surcharge- late provisional filing fee or cover sheet \$50</p> <p><input type="checkbox"/> Non-English specification \$130</p> <p><input type="checkbox"/> International type search report \$40</p> <p><input type="checkbox"/> Requesting publication of SIR prior to action \$920</p> <p><input type="checkbox"/> Requesting publication of SIR after action \$1840</p> <p><input type="checkbox"/> Extension for reply- first month \$110</p> <p><input type="checkbox"/> Extension for reply- second month \$420</p> <p><input type="checkbox"/> Extension for reply- third month \$950</p> <p><input type="checkbox"/> Extension for reply- fourth month \$1480</p> <p><input type="checkbox"/> Extension for reply- fifth month \$2010</p> <p><input type="checkbox"/> Notice of Appeal \$330</p> <p><input type="checkbox"/> Brief in Support of Appeal \$330</p> <p><input type="checkbox"/> Request for Oral Hearing \$290</p> <p><input type="checkbox"/> Utility issue fee \$1330</p> <p><input type="checkbox"/> Petition to revive (unavoidable) \$110</p> <p><input type="checkbox"/> Petition to revive (unintentional) \$1330</p> <p><input type="checkbox"/> Petitions to the Commissioner \$130</p> <p><input type="checkbox"/> Petitions related to provisional applications \$50</p> <p><input type="checkbox"/> Submission of Information Disclosure Statement \$180</p> <p><input type="checkbox"/> Recordation of Assignment \$40</p> <p><input type="checkbox"/> Submission after final (37 CFR 1.129(a)) \$770</p> <p><input checked="" type="checkbox"/> Request for Continued Examination (RCE) \$770</p> <p><input type="checkbox"/> Other:</p> <p><b>SUBTOTAL</b> <u>\$ 770.00</u></p>

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Submitted by:	
Firm or Individual Name:	David W. Victor; Registration No. 39,867
Signature:	
Date: <u>June 17, 2004</u>	Telephone: (310) 553-7977
 <b>24033</b> <small>PATENT TRADEMARK OFFICE</small>	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.A. Burton et al. Examiner: Matthew D. Anderson  
 Serial No.: 09/630,228 Group Art Unit: 2186  
 Filed: August 1, 2000 Docket No.: TUC920000013US1  
 TITLE: METHOD, SYSTEM, AND DATA STRUCTURES FOR USING  
 METADATA IN UPDATING DATA IN A STORAGE DEVICE

**OFFICIAL**

**CERTIFICATE UNDER 37 CFR 1.8:**  
 I hereby certify that this correspondence is being transmitted by facsimile to Matthew D. Anderson of the U.S. Patent and Trademark Office at 703-872-9306 on May 18, 2004.

David W. Victor

5/18/04  
Date

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This amendment is submitted in response to the final office action dated February 18, 2004 in which the Examiner rejected claims 1, 15, 16, 30, 31, 42, 43, and 47-51 as anticipated (35 U.S.C. §102) or obvious (35 U.S.C. §103) over cited art, and found that claims 2-14, 17-29, 32-41, and 44-48 would be allowed if written in independent form to include the requirements of base and intervening claims.

On April 22, 2004, the attorney for Applicants and the Examiner held a phone interview discussing the claims. Although no agreement was reached, the Examiner said he would consider entering an amendment to the independent claims Applicants proposed and would reconsider the rejection in view of such amendments and arguments. Applicants have amended claims 1, 16, 31, and 43 as discussed during the phone interview and request the Examiner to enter this amendment because it does not raise issues that would require further searching. Applicants have further amended certain of the allowable claims to place in condition for allowance and canceled claims 49-51.

**COPY**

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Amndt. dated May 18, 2004  
Reply to Final Office Action of Feb. 18, 2004

Serial No. 09/630,228  
Docket No. TUC920000013US1  
Firm No. 0018.0074

Applicants submit that pending claims 1-48 are patentable over the cited art and in condition for allowance for the reason discussed herein.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3.

**Remarks/Arguments** begin on page 18.